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Cleveland-Marshall College of Law

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CLEVELAND - MARSHALL LAW NOTES

SUMMER 1975

VOLUME 2

NUMBER 2



Dean Craig W. Christensen (right) presents gavel to Interim Dean-designate Hyman Cohen.

Christensen Relinquishes Deanship

Craig W. Christensen has resigned as Dean and Professor of Law at Cleveland State, effective August 16, 1975, to accept the position of Dean of the College of Law of Syracuse University.

"My resignation is fundamentally a personal career decision," Dean Christensen said in announcing his departure. He described his four years at Cleveland-Marshall as a "richly rewarding experience" and "a unique adventure," but he admitted that the heavy administrative responsibilities of his position "have taken a certain toll." He explained that Syracuse — with a law student body only half the size of CSU —

should afford him the opportunity to pursue more teaching and scholarly activities in addition to his new decanal responsibilities.

Cleveland-Marshall has grown significantly since Christensen assumed the deanship in the Fall of 1971. Enrollment is expected to top 1,100 this Fall, an increase of more than forty per cent for the State's largest law school in the past four years. Twenty-four of the present 40 faculty members were recruited during Christensen's administration, an accomplishment the departing dean marks as one of the most significant of his tenure. "We have assembled an extraordinarily creative and talented group of legal educators," Christensen said. "They can hold their own with the best of them in any law school."

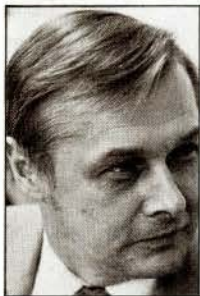
Dean Christensen lists as other important developments of the past four years the establishment of an innovative special admissions program for minorities and others, the creation of an extensive clinical legal education program, expansion of the curriculum (the number of course offerings has nearly doubled), and the beginning of construction on the new law building. "I am only sorry I will not be here to see the culmination of some of the things we have started," Christensen said.

"The College of Law is a very stable institution right now," Christensen said, addressing the effect his resignation might have on future developments. "The faculty is united on where the school is going, and morale is high. I am confident there will be no shortage of able candidates for the deanship; this is an exciting opportunity."

Hyman Cohen Named Interim Dean

Professor Hyman Cohen has been named Interim Dean of the Cleveland-Marshall College of Law effective August 16, 1975. Professor Cohen's appointment follows the resignation of Dean Craig W. Christensen, who will leave CSU this summer to become dean of the College of Law at Syracuse University. In announcing the interim appointment, CSU President Walter B. Waetjen expressed confidence that the Law College will continue to make forward strides under Cohen's leadership while a

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from the alumni

WHERE ARE ALL THE YOUNG ONES?

Just the other day, a recent graduate asked me if membership in the Cleveland-Marshall Law Alumni Association was by invitation or by sponsorship. He told me that since his graduation in 1974, he had not received a single piece of literature about the Association! Another who had graduated at the same time as the first asked me why he had not received his complimentary copies of the Cleveland State Law Review as part of his Alumni dues.

Both of these incidents point up a flaw in our system of contact with recent graduates, to tell them what we are, what we do, and why the Association and graduates need one another. To remedy the problem will require the streamlining of administrative procedures. But just as important, it will require something additional: YOU.

We can all remember our first year or two after law school, with their pressures and concerns: the bar, the job, the first case, the new client, the bills, and a thousand other matters which made preoccupation with ourselves and our well-being almost a necessity for survival. Wouldn't it have been helpful to have had an experienced lawyer, a fellow alumnus, show an interest in those concerns?

The recent graduate is tomorrow's experienced practitioner and valuable, active Alumni Association member. Why not call the Alumni Office and get the names of a couple of recent graduates who haven't joined the Association? Invite them to lunch. Talk with them. You can bring to them the perspective of one who has been through those first two trying years. And, just as important, they can bring to you the perspective of one who has seen the operation of our school from the inside for the past three or four years. They have seen its strengths and its weaknesses, its assets and its liabilities, from a point of view different from yours. It is difficult to imagine a more valuable information exchange for the individuals involved, for the school, and for the Law Alumni Association as a whole.

Albert J. Knopp, President
Cleveland-Marshall Law Alumni Association

Cohen Interim Dean

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search for a new permanent dean is under way. A dean search committee is expected to be formed and to begin the selection process during the coming summer.

Cohen, 42, has been a member of the Cleveland-Marshall faculty since 1967. He has specialized in the areas of labor law, administrative law and torts. Long active in faculty governance, Cohen brings to the interim deanship extensive experience as chairman of the Law College committees on curriculum, faculty appointments and academic standards.

Prior to joining the C-M faculty, Cohen practiced law in New York City with a private firm and with the U. S. Housing and Home Finance Agency. He was also on the faculty of Pace College and the City College of New York. He was awarded the B.A. degree by City College of New York in 1954 and the J.D. and LL.M. degrees by New York University in 1959 and 1965.

Cohen is presently a member of the Board of Governors of the Ohio State Bar Association and of the Regional Advisory Council of the American Arbitration Association. He has served as a consultant to the Administrative Conference of the United States and was the recipient of a grant from the National Endowment for the Humanities.

"I can't see how anyone could have done a better job these past four years," Cohen said of Christensen. "The school greatly benefited from his sense of decency, his leadership ability and his high intelligence. The dignity he displayed was extremely important at the time we were brought into the fold of CSU," he added.

"The transition will not really be a difficult one because of the school's progress in recent years," Cohen said. "My job will be to preserve the excellent standards already set, to maintain the continuity of existing programs, and to continue making forward strides."

"I couldn't have asked for a better response to my appointment from the community, the law school and the student body," Cohen said. He expressed regret, however, that his new duties will not permit him to spend full time in the classroom. "I've always derived tremendous satisfaction from teaching, and that I'll sorely miss."

Cohen said he intends to rely heavily on the law school's "truly outstanding faculty" and to encourage them to continue in the academic programs, research and other activities in which they are engaged. He said he realizes there will be problems to be faced in the year ahead, "there always are," but, he concluded, "I'll just take it one day at a time."



from the dean

SOME REFLECTIONS ON TAKING LEAVE

It is never easy to take leave of associations which one treasures highly. My four years at Cleveland State have been the most rewarding I have ever spent. And the personal relationships formed here — from within the University, from the alumni and from the community at large — all have been richly satisfying and will be left behind with much more than a tinge of regret.

It has been a source of pride to be involved in the growth of this intellectually exciting new University with its promising future. And the challenge of helping shape Cleveland-Marshall to be a part of that future, while preserving the things of lasting value in its past, have afforded richly rewarding experiences.

Withal, however, the unique adventure of these years is of the sort that I think one person cannot successfully pursue over too long a period of time. It takes a certain toll, and I have reluctantly concluded that I need the renewal of spirit of a different kind of challenge if I am to make some continuing contribution to the world of legal education.

The decision to take this step was not an easy one for me. My reasons were not that life in this dean's office is sometimes difficult and frustrating. It is, but I did not expect it to be easy. And, in any event, I do not know where one can turn these days and find it otherwise. Certainly another deanship will not afford tranquility.

The considerations which led to my decision were fundamentally personal ones. They relate primarily to my own career and to the things I want to accomplish in the years ahead. I look to Syracuse University as a new kind of opportunity. I am drawn to its long and deep-rooted academic tradition. Association with an already mature University, albeit one with unique problems and challenges of its own, is tempting to me at this point in my career.

I am confident and optimistic for the future of this College of Law. The faculty's commitment to the pursuit of excellence is matched by the esprit of the student body. The ongoing interest and involvement of the law alumni is an asset of inestimable value. All things considered, the time seems propitious for mapping the next generation of the school's evolving maturation. And I am convinced that the vigor and enthusiasm of new leadership will prove

in the long run to be in the best interests of all who care about the school and its future.

I am similarly optimistic about the future of the University, at least insofar as the world in which we live permits confidence in any part of the future. These are trying times for all of higher education. Public values seem to have depreciated the worth of investment in the academic world, and a new developing university such as Cleveland State is particularly vulnerable when the makers of public spending priorities find the price of academic excellence too dear to pay.

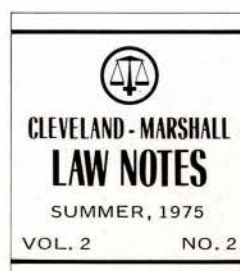
In spite of these concerns, I will leave this University with a conviction that its leadership is equal to the challenge of these times. Cleveland State is extraordinarily fortunate to have at its helm a leader of the vision, wisdom and integrity of President Walter B. Waetjen. I will sorely miss the opportunity of working with him and under his direction.

The College of Law is equally fortunate that it will be led in this interim by a legal educator of the stature and experience of Hyman Cohen. He has been intimately involved in every progressive development at Cleveland-Marshall for the past eight years. And he commands the respect of faculty and students alike for his high sense of purpose and untiring dedication to the interests of the school.

I could not take leave without expressing my profound gratitude for the support and encouragement I have received during the past four years from so many quarters. To the community of the College of Law and the University, to the loyal alumni and members of the bar, and to others too numerous to mention in the community of Greater Cleveland — to all, I extend my heartfelt thanks. I shall cherish always the recollection of these days.

Craig W. Christensen

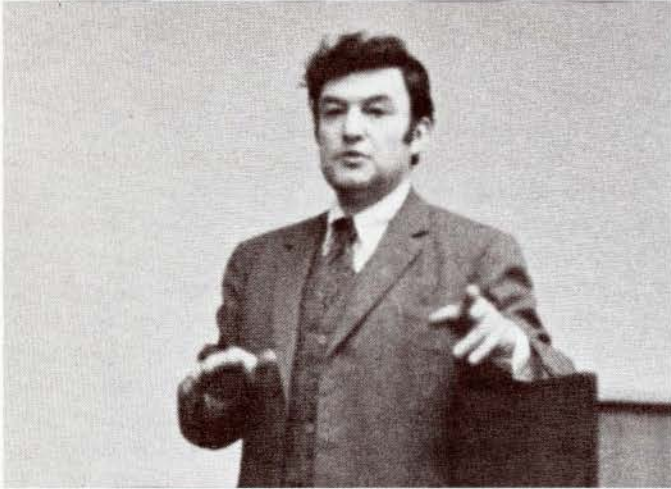
Craig W. Christensen
Dean



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Dean of the College of Law: Craig W. Christensen;
Law Notes Editor: Michael S. Evans.

Cleveland-Marshall Fund Brings Visiting Scholars



Visiting Scholar Jack Greenberg delivers Cleveland-Marshall Fund Lecture.

Visits to the law school by two distinguished lawyers marked the successful conclusion of the first year of the new Cleveland-Marshall Fund Visiting Scholars Program. Erwin N. Griswold, former Dean of the Harvard Law School and former Solicitor-General of the United States, and Jack Greenberg, Director-Counsel of the NAACP Legal Defense and Educational Fund, each spent two days in residence at C-M delivering lectures and conducting classes and informal discussion seminars.

The Visiting Scholars Program is one of three features of a C-M Fund Enrichment Program approved by the CSU Board of Trustees last fall. Programs in interdisciplinary instruction and in support of faculty research comprise the other two aspects of the Enrichment Program.

The Visiting Scholars Program was launched in December by Walter Gellhorn, University Professor Emeritus at Columbia University, who delivered the first C-M Fund Lecture on "How to Become Learned Without Really Trying." CSU Distinguished Professor Emeritus Howard L. Oleck also visited the law school in January under the auspices of the program.

"Handling the Federal Government's Litigation" was the subject of Griswold's C-M Fund Lecture, delivered during his May 5-6 visit. The lecture dealt with the "little known and often misunderstood" responsibilities of the Office of the Solicitor General which Griswold headed from 1967 to 1973.

"What does the Solicitor General do?" Griswold asked rhetorically about the duties of his former office. "He does what people think the Attorney General does," was his reply. The Attorney General is very much a political officer, and he is far too busy to be a lawyer, Griswold explained, adding that the Solicitor General has no political responsibilities and performs an exclusively professional role in overseeing

the litigation to which the federal government is a party.

Griswold said 3,500 cases annually come before the Solicitor General for decision as to whether the government should appeal them. "That comes to 14 decisions a day, of which seven are easy, but the others are extremely difficult," he said.

"The Solicitor General's Office is the most attractive legal position in the government and one well worth watching from the outside," Griswold said in conclusion.

The highlight of Jack Greenberg's February 18-19 Visiting Scholar tour was his C-M Fund Lecture on "Judicial Process and Social Change" delivered to approximately 200 students, faculty and local attorneys.

"One of the most important lessons a lawyer should learn early in practice is that procedure is substance," Greenberg said. He told the group that "the manner in which rights are obtained is often as important as the rights themselves."



Distinguished Professor Emeritus Howard L. Oleck addresses students during return visit to CSU.

Looking at his own area of interest, Greenberg observed that "present civil rights procedure has broadened to make access to the courts much easier." By way of example, he pointed to the class action, which has been construed to allow a plaintiff to continue representing the class even after the plaintiff has obtained individual relief. "If it were otherwise, much civil rights action would quickly come to an end," he said.

C-M Professor David B. Goshien, chairman of the faculty committee on the Cleveland-Marshall Fund, expressed satisfaction at the outcome of the first year's experience with the Visiting Scholars Program. "It was extremely well received by faculty and students," Goshien said, "and I look forward to a repeat performance next year." He added, however, that "this year's visitors will be a hard act to follow."

John Dean "Like a moth to the flame"

"I was like a moth attracted to a candle in Watergate, and I got pretty badly burned," John W. Dean III told law students in a February 5 speech at Cleveland State. Dean appeared as a part of the Student Bar Association Speakers Program.

Dean said he believed students could profit from "my mistakes, poor judgment and disloyalty." He admitted that he had been "seduced by the trappings of power" that came with his position on the White House staff. Dean said all White House staff members received preferential treatment from both governmental agencies and private enterprise. The ease of obtaining any type of transportation, excellent food, unusually fast telephone service, and theater tickets on a minute's notice were all cited as examples. "Camp David has all the creature comforts you could desire," Dean explained.

"I and others at the White House learned how to use power and then misuse it," Dean said. He added that "no man possesses more power than the President." The President often delegates much of this power to his advisors, he continued. "John Erlichman controlled all the area south of Canada, north of Mexico and bordered by the Atlantic and Pacific Oceans," Dean claimed, "and he managed his domain as well as a Machiavellian prince." Looking to the future, Dean said he only hoped "the new crew isn't as easily seduced as the old crew."

Controversy surrounded Dean's appearance at CSU, centering on the \$2,500 fee he received from the Student Bar Association for his speech. A group of student protesters picketed in front of the University Center auditorium before and after the speech, and numerous leaflets were distributed.

Dale D. Powers, President of the CSU General Alumni Association and a Cleveland-Marshall alumnus, objected to the Dean appearance in a letter to

CSU President Walter B. Waetjen on behalf of the Alumni Board. Powers said the Alumni was "opposed to paying a fee to a speaker whose conduct in high public office violated the great trust placed in him by the American people and whose words and deeds perjured every code of decency in the scales of public morality." Albert J. Knopp, President of the Cleveland-Marshall Law Alumni Association, disagreed. He voiced the opinion that "to deny Dean the right to speak on the same basis that has been provided to other controversial figures would deprive the students and faculty of the right to hear all sides of a controversial issue and effectively deprive Dean of the freedom of speech which we all seem to cherish only so long as what the speaker says is in conformity with our own views."

Dean was aware of the controversy and addressed the issue at the outset of his remarks. "I don't know how long the lecture tour will last, because if the issue of fees becomes more important than what I have to say, it's going to stop," Dean said.

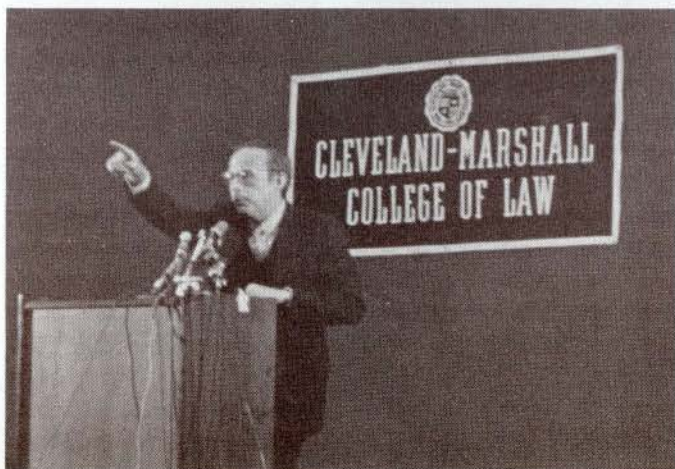
C-M Continuing Education Holds Real Estate Seminar

Real Estate Transactions was the subject of a two-day seminar held April 18-19 on the CSU campus, the first offering in Cleveland-Marshall's new Continuing Legal Education Program. The seminar, conducted under the direction of CSU Law Professor Donald J. Weidner, was attended by more than 100 attorneys from Cleveland and elsewhere in Ohio.

The seminar dealt with such topics as "Sources of Money for Real Estate Financing," "Satisfying the Lender's Requirements," "How to Tell the Good Deal from the Bad," and "The Real Estate Partnership." Also discussed were default issues, tax issues and federal and state securities issues in real estate transactions.

Seminar lecturers included James H. Berick of the Cleveland law firm of Burke, Haber & Berick; W. Richard Blagdon, President of Blagdon Mortgage Corporation; Stephen L. Kadish of the Cleveland firm of Metzenbaum, Gaines & Stern; Marvin Kelner, President of Shelter Equities Company; Albert P. Pickus of the Cleveland firm of Squire, Sanders & Dempsey; James F. Streicher of the Cleveland firm of Calfee, Halter & Griswold; and Professor Weidner, who teaches courses in real estate finance as a member of the CSU law faculty.

The Continuing Legal Education Program was initiated with the goal of providing specialized educational offerings for members of the practicing bar. Future courses and seminars are now being planned, and a schedule of programs for 1975-76 is expected to be announced in the fall.



John Dean addresses CSU law students in Student Bar Association-sponsored appearance.

CSU Moot Court Team Gains National Recognition



Niagara Competition judges question CWRU student during international meet finals at CSU.

CSU's Moot Court Team has attained national prominence and recognition through its excellent showing in competitions this year. The team copped high honors in three important competitions.

The team of David May, Candace Monty and Alan G. Ross won first place honors in the recent Third Annual Alfred Mugel Competition on the campus of the State University of New York at Buffalo. Other participating law schools included Albany, St. John's, Fordham, Brooklyn, New England, University of Maine, University of Toledo, Capital, Syracuse and the University of Detroit.

The problem case involved a taxpayer who owed interest on back taxes in the amount of \$300,000. He attempted to generate ordinary income in that amount to offset the \$300,000 deduction through two transactions which the IRS Commissioner challenged. The first transaction involved the transfer of a portion of the interest flowing from a trust and the second involved the sale and lease-back of realty.

At the Bluegrass Regionals of the American Society of International Law Jessup Cup Competition, the Moot Court team won the second place cup, narrowly missing going on to the finals in Washington, D.C. Team members participating in the Jessup Competition were Robbie Hamilton, Steve Janik, Steven Mitchell (who was named the region's best oralist), Lehua Salling and Michael Salling. Vanderbilt University Law School placed first in the competition.

Other law schools competing included the University of Tennessee, Indiana University, Indianapolis, University of Toledo, University of Kentucky, University of Akron and Memphis State University.

The teams argued a problem involving two hypothetical U. N. member nations in a dispute before

the International Court of Justice. At issue was the right of the poorer upper riparian state to pollute the waters of a shared river basin in the course of industrialization. A treaty arguably prohibited such pollution, but the dispute concerned also the present state of international environmental law.

Cleveland State also placed third overall in the Eighth Annual Niagara International Moot Court Competition. CSU hosted the competition this year, an honor won by placing first in last year's competition. Ten American and Canadian schools participated in the two-day event, with Toronto University placing first and winning the award for Best Brief. Case Western Reserve University placed second, with team member James Kenney receiving the award for Best Oral Advocate.

Other universities competing included York, Osgoode Hall, Detroit, Ohio Northern and Buffalo. Next year's competition will be held at the University of Toronto.

Leslie Brumbach, James Dacek and Mike Murray represented the CSU Moot Court Team, and Professor Stephen Werber served as team advisor.

The teams argued a case involving a ruling by the Canadian Radio and Television Commission that required Canadian cable television systems to delete U. S. commercials in favor of adding Canadian advertisements. Judges for the final round arguments were Alan Buchman, a partner in the Cleveland firm of Squire, Sanders and Dempsey; Robert D. Greenburg of the Special Projects Staff of the Federal Communications Commission's Common Carriers Bureau; and Peter S. Grant, Special Counsel to the Canadian Radio and Television Commission.

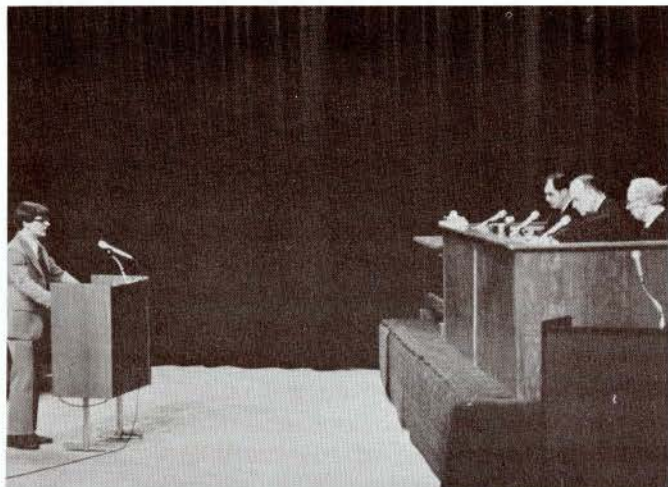
Moot Court Team advisors are Professors Ann Aldrich and Gary Kelder.



J. Michael Murray argues at Moot Court Night Competition.



Justice Celebrezze, Justice Stewart, Judge Thomas.



Walter S. Kobalka presents "best advocate" argument before Moot Court Night panel.

SUPREME COURT JUSTICE PRESIDES AT MOOT COURT NIGHT

The Sixth Annual College of Law Moot Court Night was held Saturday, May 3, before an audience of more than 400 in the University Main Classroom Auditorium. Highlighting the evening was a mock appellate court argument by the school's top moot court competitors. The case was argued before a distinguished panel of jurists presided over by Justice Potter Stewart of the United States Supreme Court. Justice Frank D. Celebrezze of the Supreme Court of Ohio and Judge William K. Thomas of the United States District Court for the Northern District of Ohio completed the panel.

The hypothetical problem argued by the advocates concerned a high school teacher who had been dismissed for assigning students to read books that had been banned by the board of education. The teacher and members of the student body alleged that the board's dismissal violated the First Amendment rights of the instructor.

Moot Court Night is the culmination of a competition among students for the honor of representing the law school at the National Moot Court Competition held each fall. The team of Walter S. Kobalka and Gail A. Sindell, with Stephen P. Bond as alternate, were judged winners of the argument and recipients of the Hugo Black Award as the best moot court team of 1975. Opposing team members were James S. Dacek and J. Michael Murray, with James A. Samuels as alternate. Kobalka and Murray were named the first and second best advocates, respectively, and received the annual Dean's Moot Court Competition Awards. Samuels and Bond received first and second place awards, respectively, from the Law Alumni Association for outstanding brief writing.

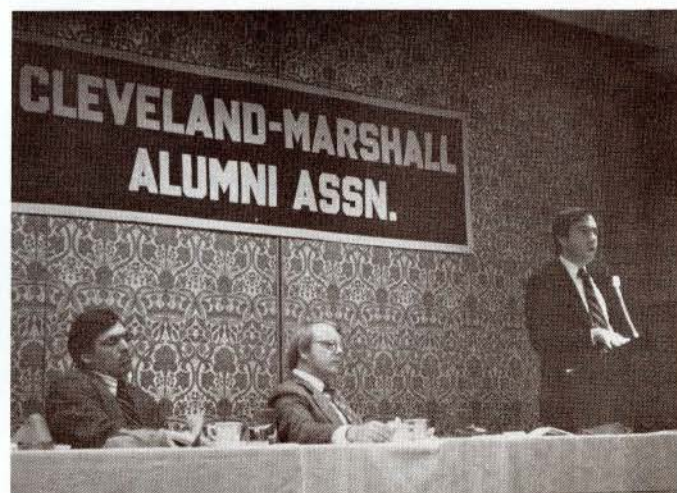
Admissions Debate Sparks Faculty-Alumni Luncheon

The First Annual Cleveland-Marshall Faculty-Alumni Luncheon was held last December, providing an opportunity for alumni to become better acquainted with the College's present faculty. Members of the 1924 graduating class were honored for 50 years of service in the legal community.

The highlight of the afternoon was a debate on "DeFunis Revisited: The Special Admission of Minorities and Others to the Law Schools." Arguing for the proposition that law schools should consider more than test scores and grades in evaluating applicants for admission was Professor Thomas D. Buckley, Jr., and arguing against was Professor William Louis Tabac, both of the Cleveland State law faculty.

"The virtue of Cleveland-Marshall's policy is that it is forthright," Buckley said, pointing out that 25% of the College's 1975 entering class will be accepted through a special admissions process that is open to applicants without regard to race. He defended the law school's decision to consider factors other than grades and test scores in deciding how to allocate the limited number of available places. He also pointed to the record of success of applicants admitted "other than almost exclusively by machine." Noting that members of minority groups have traditionally found access to the legal profession by attending C-M, Buckley explained that the school's present policy continues that tradition.

Tabac contended that admitting applicants on a differentiating basis is patently unfair. He pointed out that most students representing minority groups are admitted only through the special admissions process. He characterized this as equivalent to a racial quota system. "When we establish a quota," he argued, "we bring harm to a profession which we all hold in high esteem."



Professor William L. Tabac (left) and Dean Craig W. Christensen listen as Professor Thomas D. Buckley defends CSU law admissions program.

COMMENT FROM THE FACULTY

The Practice Chase

Professor William Louis Tabac

About the greatest difficulty seeming to confront law students is putting up with law school long enough to get into practice — the “real world,” as some of them call it. And what do they find out there? They become their own “man” (or woman). They feel the pleasure of putting their skills to work for others (less so, of course, when they lose cases). They make money, but not all the time or, sadly for some, not enough to get by. And of course they don’t have to go to law school anymore.

Why do law students gripe about law school so much? Few of them would deny that pleasurable experiences can be found in law school; even *night* students have been known to get enthusiastic about torts and taxation. It must be, then, that law school is lacking in “relevance.” In law school classrooms throughout the country, students are restive. They cut classes in prodigious amounts, participate as little as possible when they do come, and spend most of this time dreaming about the “real world” where experience is what counts. To be sure, the law school experience is “relevant” to becoming a lawyer; every successful evidence student better know that or else he’s surely in trouble. Rather, the complaint is that law school is immaterial. What, law students want to know, does the classroom and the games played there have to do with the actual practice of law? To give the issue more emotive force, it might be put this way: What can a law teacher who never practiced law, or if he did, refuses to tell me about his experiences, give me? After all, “those who can, do, and those who can’t, teach.”

In some cases, yes, of course. But just as often, those who have practiced can’t teach. Just reflect for a moment on the different kinds of classroom experiences you had as a law student. Among your best teachers there were probably a few young people, wet behind the ears, who hadn’t practiced a day in their lives. And among your worst were men and women who had just stepped from courtrooms, lawyers and even judges who “really knew their subject” but couldn’t teach it.

Perhaps you will agree that those teachers you thought were good (those who provided the most pleasurable classroom learning experiences after which you could say that your appreciation of the legal system for settling disputes and, hopefully, your respect for it, were enhanced by your being there and that you learned a little substantive law to boot) were men and women who took the time

to prepare the material, to really learn it and then to share it with you in an enthusiastic and insightful way. These people breathed life into the material, suggesting ways — some tenable, others admittedly questionable — to explore cases in ways you never dreamt of. Their enthusiasm about the subject matter was infectious. You, too, became interested, and perhaps you launched an investigation of your own into the area, into the dusty yet dynamic realm of the legal system.

Over 5,000 law teachers teach in the country’s accredited law schools. The overwhelming number of them do not come from the ranks of the practicing bar. The most obvious reason for this is that what goes on in most of the law school curriculum is a study of the system as it is understood by judges and legislators. The study of law is a reflective, questioning, exercise which leads to an appreciation of and a feel for our legal system. It is a study that has little to do with the day to day practice of law. The study of law cannot be dominated by fresh anecdotes about what the lecturer did in a particular case, or about how well he knows a judge, for his experience has no meaning or context.

Which brings me to my point: The best lawyers don’t come fresh out of Yale or Harvard. The lawyers at the top of their profession, those with money, power, or respect (which is one way of looking at it) come out of life after having kept their ears and eyes open, having tuned in to what was going on around them and having used the generous talents that nature gave them. The top people everywhere are the people who are able to learn from their experiences, and then, only after acquiring this wisdom, to make the moral choices with which they feel most comfortable. A law school can help its students gain wisdom, first, by communicating a cohesive body of knowledge about our legal system, as compiled by the judges and scholars who have assumed responsibility for adding content to it. Then, the law school can provide teachers to explain to the students what these judges and scholars said when they created another “well-established principle of law.” And even more important, the teachers can tell their students not only what the judges and scholars said when they wrote, but what their words might mean to the country now and later.

If law students are deprived of the opportunity to explore the how and why, those innumerable ways in which a problem fits into the system itself, but are asked instead to identify with every lecturer and his experiences — however interesting these experiences might be — they will surely be short-shrifted. Isolated events from daily practice simply cannot substitute for the considered reality established by the judges, practitioners and legislators who have, because of their responsibility to the system, taken the time to plug their experiences into it and to withstand whatever critical evaluation their peers might make.

CSU/CWRU Share Learning Experience

The law schools of Cleveland State and Case Western Reserve University teamed up this year to offer a joint seminar in international negotiations for students from both schools. The course was initiated by CSU law professor Jane Picker and her husband Sidney Picker of the CWRU law faculty. The subject matter of the seminar was a mock negotiation involving the international law problems of a proposal to build a bridge across Lake Erie from Cleveland to Canada.

The CSU students in the course represented the United States in the mock negotiations, while the CWRU students played the role of Canadian negotiators. Both teams favored construction of the bridge, and the negotiating sessions dealt with the problems of bridge design and location, construction, financing, administration and procedures for dispute settlement.

"We wanted to approximate a real negotiation as much as possible," said Sidney Picker. "Part of it centers on the idea that the students not know the faces on the other side of the negotiating table."

"It's a complete experience," added CSU's Jane Picker, "not just the legal research, but the flavor as well. You have to develop negotiating skills, keep the objective in mind and learn to keep your head as you move through the various stages."

For the first four weeks, the students were deliberately kept apart, researching the problem as separate teams. Like participants in a real international negotiation, they met for the first time at a diplomatic reception. Prior to the reception, the only contact had been a phone call between team chairpersons Engeline Koepper of CSU and Fred Krebs of CWRU.

"I welcome the opportunity to work with another law school," said Koepper. "If we're going to be working as colleagues in the field, it's important not only to know the students on our campus, but to have opportunities to work with other law students in the area."

"It's different than sitting in a classroom, and it's been a chance to try something new," said another of the students involved in the seminar. "It's actually fun — one of the most interesting courses I've taken in law school."

"I'm very enthusiastic," said CSU Dean Craig W. Christensen. "It's a novel situation, the first time we've ever done anything of a joint nature with CWRU at the classroom level."

"So often when you have two law schools in the same geographical area, what you hear about is the competition between them," he added. "I think when you have two fine law schools and there's an

HONORS CONVOCATION RECOGNIZES ACHIEVEMENTS

The annual Academic Honors Convocation was held in January to honor outstanding academic achievements in the College of Law during the 1973-74 academic year. Approximately 100 alumni, faculty and students were on hand at the ceremony to honor the 40 students and one faculty member who received cash prizes and other awards.

The Faculty Award for the highest academic grade average in the Class of 1974 was presented to Sandra Wien, and the Banks-Baldwin Company Award for the second highest grade average went to Barbara R. Stern. Connie M. Perry received the award for the Most Deserving Graduate of 1974.

Howard L. Oleck, Distinguished Professor of Law Emeritus, returned to Cleveland-Marshall to present the first Howard L. Oleck Awards for distinguished legal writing by a student and faculty member. Nicholas B. Kap received the student award and Professor Thomas D. Buckley, Jr. the faculty award.

The Carl B. Stokes Achievement Award for the outstanding first year minority student was presented to Mary Bulls. The Hugo Black Award, presented to the winning team in the annual College of Law Moot Court Competition went to Vincent J. Alfera, Joanne Minarcini and David O. Simon.



Professor Emeritus Charles Auerbach presents Most Deserving Graduate award to Connie M. Perry.

opportunity to enrich a classroom experience by pooling your resources, it's an excellent thing to do."

CWRU Dean Lindsey Cowen agreed. "By pooling our resources, we can provide a better education than either of us can independently," said Cowen. "As education becomes more expensive, we have to find ways of being more efficient. One way of doing this is through cooperative efforts that bring both institutions and students together."



FACULTY HAPPENINGS

Professor Emeritus Charles Auerbach addressed the Greater Cleveland Bar Association on "Hearsay in the New Federal Rules of Evidence." In June, he addressed the Cleveland Downtown Kiwanis Club on "Detente."

Professor J. Patrick Browne has been elected to membership in *Scribes*, The American Society of Writers on Legal Subjects. His article on "The Demise of the Declaratory Judgment Action as a Device for Testing the Insurers' Duty to Defend: A Postscript" appeared in the Winter 1975 issue of the *Cleveland State Law Review*.

Professor Hyman Cohen has been named to the Board of Governors of the Ohio State Bar Association.

Professor Earl M. Curry, Jr., has written an article, "West Virginia and the Uniform Probate Code: An Overview, Part II," which will be published in Volume 77 of the *West Virginia Law Review*. Part I of the article appeared in 76 *West Virginia Law Review* 111.

Assistant Dean James M. Douglas has been appointed chairperson of the Education Committee of the Science and Technology Section of the American Bar Association.

Professor Gordon Friedman was a panelist on criminal law at the annual meeting of the Ohio State Bar Association.

Professor David B. Goshien interviewed visiting lecturer Jack Greenberg on CSU's "Forum" in January.

Professor Richard B. Kuhns is one of nine lawyers appointed by the Bar Association of Greater Cleveland to a study panel on sentencing in Common Pleas Courts. Professor Kuhns also authored an article on "Limiting the Criminal Contempt Power: New Roles for the Prosecutor and Grand Jury" which was published in the January, 1975 issue of the *Michigan Law Review*. He addressed the Federal Bar Association of Cleveland on the new Federal Rules of Evidence on May 6.

Professor Jane M. Picker was named secretary to the Association of American Law Schools Section on Women in Legal Education in December, 1974. She spoke at the Annual AALS Meeting on the subject of "Equal Employment Litigation and Clinical Legal Education: A View From the Inside." She also participated in the Sixth National Conference on Women and the Law, and the Interhemispheric Conference for Women Lawyers. On May 9, she served as keynote speaker at a YWCA Seminar on the "Changing Legal Status of Women" in Lancaster, Pennsylvania, and on May 20 she spoke at the Recreation League of Cleveland Annual Meeting. Professor Picker also spoke at The Suburban Temple on "Sex Discrimination in Cleveland", at Lakewood High School on "Conflict Resolution and the Judicial System", at the Cleveland Business Show on "Discrimination is Not Good Practice", and at a series on "The Women's Revolution" sponsored by the Junior League of Cleveland. On January 30, she testified before the Ohio Task Force for the Implementation of the Equal Rights Amendment.

Legal Clinic Attorney Barbara H. Mitchell participated in panel discussions on "Women in the Law" sponsored by the Law Student Division of the American Bar Association in Kansas City, on "Affirmative Action" sponsored by the Cleveland YWCA Affirmative Action Committee, and on "The Legal Profession for Women" at Oberlin College. She has also recently delivered addresses at the Altrusa Club of Painesville on "Women and the Law" and at Oberlin College on the "Legal Rights of Women."

Professor Kevin Sheard acted as parliamentarian for the Ohio Credit Union League on April 19. He participated in a panel discussion on Wills for CSU's Community-University Day and addressed a student group on "Death, Dying and the Law." Professor Sheard is representing Cleveland-Marshall on the CSU Bicentennial Committee.

Assistant Dean Carroll Sierk will serve as Master of Ritual for the Delta Theta Phi Law Fraternity for 1975.

Professor Samuel Sonenfield has been elected President of the League of Ohio Law Schools for 1975-76.

Professor William Louis Tabac's article, "Repossession of Goods in Ohio: Remedies in Search of a Rule," appears in the Spring issue of the *University of Cincinnati Law Review*.

Professor Donald J. Weidner has published the lead article in the latest issue of the *University of Illinois Law Forum*, entitled "Year-End Sales of Losses in Real Estate Partnerships," 1974 U. Ill. L.F. 533.

CSU Law Review: "Bigger and Better"

The *Cleveland State Law Review* is presently engaged in a subscription drive and wishes to remind all law alumni of the opportunity they have to subscribe to the quarterly journal which is of particular value and interest to the Ohio legal practitioner.

The *Review*, currently publishing three issues in each annual volume, will add a fourth summer issue this year.

Articles of interest found in this year's *Review* include: "Antitrust Grand Jury Procedure," by Carl Steinhouse, an article on "Pioneering Approaches to Confront Sex Bias in Housing," and an article dealing with the legal issues in an area which promises to see much litigation in the immediate future, "The Intrauterine Device: A Criticism of Governmental Action and an Analysis of Manufacturer and Physician Liability," which is appearing in Spring 1975.

Subscription information may be obtained by writing the *Cleveland State Law Review*, Cleveland-Marshall College of Law, Cleveland, Ohio 44115, or by calling 687-2336.

Letter To The Alumni



Greenwood

The state of the economy has made it quite clear that the Cleveland-Marshall graduate receiving his or her law degree in 1975 is being confronted with employment problems that probably have not been encountered since the early 1930's. While some prospective graduates are finding appropriate openings, many others are meeting with little success.

Moreover, the students who have traditionally counted on summer employment to pay a substantial part of their next year's educational expenses are facing even greater difficulty. Many of the law firms in the Cleveland area are reducing the number of law clerks taken aboard during the summer, all echelons of government are restricting their temporary hiring and many, if not all, of the industrial firms are exercising great restraint in summer employment.

The quality of our entering students has risen significantly in the last few years. They are zealous and eager to move into the practice of law. They are highly motivated, and the gloomy economic prognostications of recent months have convinced them that there is no substitute for diligence and a record of academic achievement when they ultimately enter the tremendously competitive field of law.

I appeal most earnestly to all Cleveland-Marshall alumni to assist the Class of 1975 and those students who need summer employment in their search. Even if your own firm is not hiring, early notice of possible openings elsewhere in the legal community reported through the Placement Office will generate a prompt and enthusiastic response from a number of well-qualified and eager candidates. Even short-term requirements for brief writers and researchers will be met with equal enthusiasm. Don't restrict your thinking solely to law-related jobs. Many of the students have outstanding qualifications in other fields which they can put to good use. Above all, do report job opportunities at the earliest moment.

Walter Greenwood, Jr.

Walter Greenwood, Jr.
Director of Law Placement and Alumni Affairs



Congressman James V. Stanton (right) receives Outstanding Alumnus plaque from C-M Law Alumni Association President Albert J. Knopp.

Congressman Stanton Honored by Alumni

Congressman James V. Stanton, a member of the C-M Class of 1961, was honored as Outstanding Alumnus of 1975 by the Cleveland-Marshall Law Alumni Association at its Annual Award Luncheon held May 1.

Stanton was first elected to Congress in 1970 at the age of 38, after serving six years as Cleveland City Council President. He has since been re-elected twice, most recently in November 1974.

A native of Cleveland, Stanton was elected to the Cleveland City Council in 1959, then re-elected five times. He was named Council President in 1964, and was re-elected twice to that position.

In Congress, he is a member of the Democratic Steering and Policy Committee, the House Select Committee on Intelligence, the House Public Works Committee and its Subcommittees on Aviation and Surface Transportation, and the Government Operations Committee and its Subcommittees on Legislation and National Security and on Manpower and Housing.

U. S. Representative Wayne L. Hays of Flushing, Ohio, now in his 27th year in Congress, served as keynote speaker at the luncheon. He is currently chairman of the House Administration Committee and second-ranking member of the House Foreign Affairs Committee.

Albert J. Knopp, President of the Law Alumni Association, acted as Master of Ceremonies and remarks were offered by Cleveland Mayor Ralph J. Perk and CSU President Walter B. Waetjen.

Dean Craig W. Christensen reported on the state of the law school. He announced that bids had been accepted for the new law building and that construction is expected to begin in July.



What's Happening?

C-M Law Notes wants to keep current on what's happening to Cleveland-Marshall alumni and friends. We'd like to know so we can tell others about your special accomplishments, promotions, new positions or associations, community activities, public offices, retirements, honors, etc. Please send news about yourself or others to the above address, or telephone 687-2540. Be sure to include name, address, telephone number and year of your C-M law degree. Photos can be returned.



ALUMNI HAPPENINGS

Edward M. Kovachy, '29, was named "Man of the Year" by the Greater Cleveland Alumni Senate of Delta Theta Phi Law Fraternity in January.

Judge Robert J. Vetter, '30, has retired from the Huron County Common Pleas Court after serving 27 years on the bench.



Stern

Rathuel L. McCollum, '61, announces the opening of his general practice law office in Cleveland.

Carl Stern, '66, has received a Peabody Award for "exceptional journalistic enterprise during a time of national crisis." The award was given in recognition of Stern's Watergate coverage for NBC News.

Captain Albert Strobel, '70, has been awarded the Air Force Commendation Medal for outstanding service as an Air Force attorney. Strobel earned the award as assistant staff judge advocate with the United States Logistics Group at Ankara, Turkey, where he served August 1972 to August 1974.



Strobel

Jeffrey L. Weiler, '70, served as a panel chairman at the 17th Annual Cleveland Tax Institute sponsored by the Bar Association of Greater Cleveland. Weiler also addressed the Institute on the subject of "Valuation of Closely Held Stock."



Kirn

John J. Kirn, '70, and Arthur E. Miller, '70, were elected Assistant Secretaries by the Board of Directors of Oglebay Norton Company in February



Miller

Gary N. Holthus, '72, and Jeffrey M. Mart, '72, have formed a partnership for the general practice of law in Miami, Florida.

David Ross Jones, '72, former Director of the Cleveland Office of the American Arbitration Association is presently a graduate student at the Wharton Graduate School of Business and Finance at the University of Pennsylvania. He has been appointed to the Wharton School's Judiciary Committee and Graduate Steering Committee.

Alfred C. Smith, '73, was awarded the Gold Medal for Exceptional Service by the U.S. Environmental Protection Agency for outstanding and heroic service to communities and state governments in implementing an effective emergency response program to cope with the problems of oil and hazardous materials spills.

Kevin W. Thornton, '74, has joined the staff of the U.S. Attorney's office in Cleveland. He was formerly an assistant to Virgil E. Brown, Cuyahoga County elections director.

Jeffrey H. Olson, '75, has been appointed Instructor of Law on the CSU law faculty. He will coordinate a new writing and advocacy program for first year law students and serve as faculty co-advisor to the Moot Court program.